



**Request for City Council Committee Action
From the City Attorney's Office**

Date: May 20, 2008
To: Ways & Means/Budget Committee
Referral to:

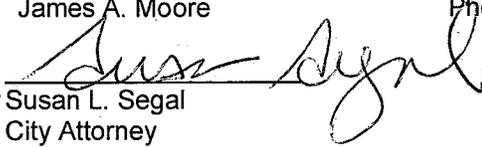
Subject: *Flowers vs. Officer Becker*
United States District Court File No.: 05-2484 (JRT/FLN)

Recommendation: That the City Council authorize settlement of the matter of *Alfred Flowers v. Officer Becker*, Court File No. 05-2484 (JRT/FLN) in the amount of \$15,000.00, payable to Alfred Flowers and his attorney, Jill Clark, and that the City Attorney be authorized to execute any documents necessary to effectuate the settlement from Fund/Org. 6900 150 1500 4000.

Previous Directives:

Prepared by: James A. Moore Phone: (612) 673-2063

Approved by:


Susan L. Segal
City Attorney

Presenter in Committee: Susan L. Segal, City Attorney

Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
 Action requires an appropriation increase to the ___ Capital Budget or ___ Operating Budget.
 Action provides increased revenue for appropriation increase.
 Action requires use of contingency or reserves.
 Business Plan: ___ Action is within the plan. ___ Action requires a change to plan.
 Other financial impact (Explain): Fund/Org 6900 150 1500 4000
 Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact

City Goal(s): Build Community

Background/Supporting Information

On September 27, 2003 Plaintiff was attending a meeting at the Urban League building. Plaintiff was allegedly disruptive at the meeting. The facility manager asked Plaintiff to leave and then called 911. Shortly thereafter, the facility manager again called 911 and alleged that Plaintiff was getting violent. Officers Becker and Tschida were dispatched to the call. The officers stood by while Plaintiff left the building. They watched him go outside and make a call on his cell phone. After a few minutes, the officers left the area.

Shortly after Officers Becker and Tschida left the area, Plaintiff went into the building demanding that the facility manager talk to Clarence Hightower, the Urban League President. The facility manager again called 911. Park Police Officer Mooney was in the area and was the first to respond to the call. He observed Plaintiff outside the building and approached him. For reasons not relevant here, Plaintiff and Officer Mooney began to

struggle. In the meantime, Officers Becker and Tschida were returning to the area in response to the third 911 call. As they approached, Officers Becker and Tschida observed the struggle between Plaintiff and Officer Mooney on the boulevard. Officers Becker and Tschida immediately went to the aid of Officer Mooney. A crowd began to form around the officers. The officers were able to subdue Plaintiff and place him in handcuffs. They then got Plaintiff to his feet and walked him to Officer Mooney's car and attempted to place him in the back seat. The officers claim that Plaintiff resisted their efforts to get him into the car. They used strikes and pressure point tactics to attempt to get him in. Several eyewitnesses, however, claim that Plaintiff was not resisting and that Officer Becker used a choke hold on Plaintiff. At the summary judgment stage of the proceedings the court found that if Officer Becker used a potentially deadly choke hold under the circumstances he would not be protected by qualified immunity. The City Attorney's Office has been able to negotiate a settlement of the matter for \$15,000.00 for any and all claims that Plaintiff made or could have made in the case, including any claim for attorney's fees.